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Promotion and protection of human rights: implementation of human rights instruments

Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

Summary

The present report provides information on the operations of the Special Fund established by article 26 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with General Assembly resolution 68/156, in which the Assembly encouraged contributions to the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested the Secretary-General to submit to the Assembly at its sixty-ninth session a report on the operations of the Special Fund.

B. Mandate of the Special Fund

2. The Special Fund was established pursuant to article 26 of the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following a visit to a State party to the Optional Protocol, and to finance the education programmes of national preventive mechanisms.

3. The Special Fund receives voluntary contributions from Governments, intergovernmental and non-governmental organizations and other private or public entities. An overview of contributions to the Special Fund to date is provided in section III of the present report.

C. Management of the Special Fund

4. The Special Fund is administered by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with the Financial Regulations and Rules of the United Nations. As an interim scheme in place until the financial basis of the Fund is consolidated, the OHCHR Grants Committee, an advisory body to the United Nations High Commissioner for Human Rights, advises the High Commissioner on the eligibility of projects and awards grants based on the evaluation criteria set out in the guidelines for applications.

D. Eligibility criteria

5. Grant applications can be submitted for eligible projects aimed at implementing recommendations made by the Subcommittee on Prevention of Torture following a regular visit to a State party to the Optional Protocol, provided the recommendations are contained in a report made public upon request by the State party. At the time of reporting, 10 countries (Argentina, Benin, Brazil, Honduras, Kyrgyzstan, Maldives, Mali, Mexico, Paraguay and Sweden) fulfilled the primary admissibility criteria to seek funding from the Fund.

6. Grant applications may also be submitted for projects aimed at implementing recommendations made by the Subcommittee on Prevention of Torture following an advisory visit to a national preventive mechanism of a State party to the Optional Protocol, provided the recommendations are made public by the relevant national preventive mechanism and/or State party. At the time of reporting, four national

preventive mechanisms had agreed that recommendations addressed to them be published (Germany, Honduras, Republic of Moldova and Senegal), and hence fulfilled the primary admissibility criteria to seek funding from the Fund. In addition, two State parties (Germany and Republic of Moldova) agreed that recommendations addressed to them following such a visit be published, and therefore fulfilled the primary admissibility criteria to seek funding from the Fund.

7. Applications may also be submitted by national human rights institutions that are compliant with the Paris Principles and by non-governmental organizations if the proposed projects are implemented in cooperation with the entity responsible for implementing the recommendations made by the Subcommittee on Prevention of Torture, be it the State party or a national preventive mechanism.

8. Each year, specific thematic priorities are identified in the context of the yearly call for applications, in consultation with the Subcommittee on Prevention of Torture. In addition, projects proposed that aim to address other specific recommendations contained in the visit reports and describing a pressing and compelling need can be considered.

9. The Fund aims to support projects that are sustainable, have a multiplier effect, have a potential for replication or that lay foundations for change. In addition to assistance for the establishment and consolidation of national preventive mechanisms, financial support may be provided for trainings on torture prevention for the judiciary and for personnel of detention centres and other relevant institutions. The Fund also provides assistance for the design of training materials and tools, such as registers, manuals and handbooks, for use by custodial institutions and the judiciary.

II. Activities of the Special Fund

A. Previous calls for applications

10. The Special Fund became operational in July 2011, and the first call for applications was launched on 1 November 2011 for projects to be awarded and implemented in 2012. During the call for applications for 2012, for which applicants could request grants of up to $20,000, 69 applications were received, of which 25 were deemed admissible. Grants totalling $166,877 were awarded to nine projects in five countries (Benin, Honduras, Maldives, Mexico and Paraguay). Details on the grants awarded for 2012 are contained in the annex.

11. The second call for applications to the Special Fund was launched on 15 August 2012. Applicants could request grants of up to $50,000 for project activities to be implemented in 2013. Thirty-four applications were received, of which four did not meet the primary eligibility criteria. Eight grants totalling $298,979.10 were awarded to projects in Benin, Brazil, Honduras, Maldives, Mexico and Paraguay. Details on the grants awarded for 2013 are contained in the annex.

B. Call for applications for 2014

12. The third call for applications to the Special Fund for grants to be awarded for 2014 was launched on 28 August 2013. Applicants could request up to $35,000 for project activities to be implemented in 2014. Twenty-four applications were received, of which six did not meet the primary eligibility criteria. As at 18 July 2014, seven grants totalling $198,509 had been awarded to projects aimed at implementing recommendations in five eligible countries (Benin, Brazil, Honduras, Maldives, Mexico and Paraguay). Details on the grants awarded for 2014 are contained in the annex.

C. Call for applications for 2015

13. The call for applications to the Special Fund for grants to be awarded for 2015 was launched in August 2014.

III. Financial situation of the Special Fund

14. The Fund received $403,362.60 in contributions in 2012 and $144,777 in 2013. In 2014, as at 15 July, the Fund had received $228,878.25 in contributions.

15. The table below shows the contributions received since the issuance of the Fund's previous report in 2013.

Contributions to the Special Fund, 6 August 2013-25 July 2014

Donors	*Amount (United States dollars)*	*Date of receipt*
Argentina	10 000.00	27 February 2014
Czech Republic	9 777.00	19 December 2013
Germany	218 878.25	27 March 2014
Netherlands	125 000.00	20 December 2013
Total contributions received	**363 655.25**	

IV. Making a contribution

16. Since its creation, and despite its relatively limited donor base, the Fund has supported 22 projects in six countries across three regions. Working closely with the Subcommittee on the Prevention of Torture, the Fund has supported the training of more than 1,000 persons in torture prevention techniques and methodology.

17. As the first and only functional fund established by an international human rights treaty, and a model for engagement between the United Nations, State parties, national preventive mechanisms and civil society in the prevention of torture, the Fund's activities should be commensurate with the growth of the activities of the Subcommittee on the Prevention of Torture. The activities have resulted in an expanding number of eligible countries. The Fund's increasing visibility is also expected to lead to a rise in the number of applications.

18. The minimum required on an annual basis to guarantee a functioning Fund able to support an average of 20 projects per year, with a reasonable level of funding per project (e.g., $35,000), would be around $1.4 million. More contributions are therefore required to sustain and consolidate the Fund, which engages States and provides them with technical assistance in implementing activities aimed at preventing torture.

19. Contributions to the Special Fund may be accepted from Governments, intergovernmental or non-governmental organizations, private sector organizations and the general public, in accordance with the Financial Regulations and Rules of the United Nations. Only unearmarked funds are accepted.

20. Contributions to the Special Fund should be marked "Payee: Special Fund established by the Optional Protocol to the Convention against Torture, account CH". Payments may be made in the following ways:

(a) Bank transfer in United States dollars to the United Nations Geneva General Fund, account No. 485001802, J.P. Morgan Chase Bank, 270 Park Avenue, 43rd floor, New York, NY 10017, United States of America (Swift code: CHAS US 33; bank number: (ABA) 021000021);

(b) Bank transfer in euros to the United Nations Office at Geneva, account No. 6161600934, J.P. Morgan Chase AG, Grueneburgweg 2 — 60322 Frankfurt am Main, Germany (Swift code: CHAS DE FX; bank number: (BLZ) 50110800; IBAN: DE78 5011 0800 6161 6009 34);

(c) Bank transfer in pounds sterling to the United Nations Office at Geneva, account No. 23961903, J.P. Morgan Chase Bank, 25 London Wall, London EC2Y 5AJ, United Kingdom (Swift code: CHAS GB 2L; bank number: (SC) 609242; IBAN: GB68 CHAS 6092 4223 9619 03);

(d) Bank transfer in Swiss francs to the United Nations Geneva General Fund, account No. 240-C0590160.0, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH92 0024 0240 C059 0160 0);

(e) Bank transfer in other currencies to the United Nations Geneva General Fund, account No. 240-C0590160.1, UBS AG, rue du Rhône 8, case postale 2600, CH 1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH65 0024 0240 C059 0160 1);

(f) Cheque payable to the United Nations, addressed to Trésorerie, Nations Unies, Palais des Nations, CH-1211 Geneva 10, Switzerland.

21. Donors are requested to inform the Donor and External Relations Section of OHCHR when a payment has been made (including a copy of the bank transfer order or the cheque) to facilitate effective follow-up in the official recording procedure and for the preparation of reports of the Secretary-General.

V. Conclusions and recommendations

22. **The Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is the only functional fund established by an international human**

rights treaty. It is increasingly affirming itself as a model for engagement between the United Nations, State parties, national preventive mechanisms and civil society in the prevention of torture.

23. The minimum required on an annual basis to guarantee a functioning Fund able to support an average of 20 projects per year, with a reasonable level of funding per project (e.g., $35,000), would be around $1.4 million.

24. More contributions are therefore required to sustain and consolidate the Fund as a viable tool able to play an integral role in the torture prevention system of the United Nations.

25. Governments, intergovernmental and non-governmental organizations and other private or public entities are strongly encouraged to contribute to the Special Fund, in order to provide it with the resources required to carry out its mandate.

Annex

Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: projects approved to date by the Office of the United Nations High Commissioner for Human Rights Grants Committee

Grants awarded since the establishment of the Fund in 2011

Country	*Project summary*	*Implementing entity*	*Year of project*	*Grant amount (United States dollars)*
1. Benin	Implementation of the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Subcommittee) concerning the protection of children deprived of their liberty	World Organization against Torture (non-governmental organization) in partnership with Enfants solidaires d'Afrique et du monde (local non-governmental organization)	2012	19 539.00
2. Benin	Implementation of Subcommittee recommendations concerning the protection of children deprived of their liberty in Benin	World Organization against Torture (non-governmental organization) in partnership with Enfants solidaires d'Afrique et du monde (local non-governmental organization)	2013	44 428.00
3. Benin	Informing detainees of their fundamental rights and reducing overpopulation in places of detention through improved identification of cases of arbitrary detention by State actors and civil society	International Federation of ACAT (Action by Christians for the Abolition of Torture)	2014	35 000.00
4. Brazil	Implementation of a mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment in Minas Gerais	Human development secretariat of Minas Gerais State	2013	47 712.50
5. Brazil	Implementation of Subcommittee recommendations concerning the protection of children deprived of their liberty in Brazil	World Organization against Torture (non-governmental organization) in partnership with Justiça Global (local non-governmental organization)	2014	34 802.00
6. Honduras	Training for prison staff on human rights standards and prevention of torture	Ministry of Justice and Human Rights	2012	20 000.00
7. Honduras	Technical support to the national preventive mechanism in Honduras and training for judges, prosecutors and public defenders	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2012	14 847.00
8. Honduras	Legal reform and support to the national preventive mechanism in Honduras	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2013	30 325.00
9. Honduras	Training on the rights and duties of persons deprived of liberty to holders of rights and obligations	National Committee for the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment (national preventive mechanism)	2014	35 000.00
10. Maldives	Notification of fundamental rights to foreign detainees in their local languages	Human Rights Commission of Maldives (national preventive mechanism)	2012	13 200.00
11. Maldives	Supporting the national preventive mechanism of Maldives in effectively implementing Subcommittee recommendations	Human Rights Commission of Maldives (national preventive mechanism)	2013	15 328.60

Country	*Project summary*	*Implementing entity*	*Year of project*	*Grant amount (United States dollars)*
12. Maldives	Understanding the risk of violence to Maldivian children deprived of their liberty	Juvenile Justice Unit, Ministry of Home Affairs	2014	23 786.00
13. Maldives	Development and delivery of Istanbul Protocol training on investigation and documentation of torture and other ill-treatment	The Redress Trust (non-governmental organization)	2014	34 876.15
14. Mexico	Providing training on the use of the Istanbul Protocol	Colectivo contra la Tortura y la Impunidad (non-governmental organization)	2012	19 807.00
15. Mexico	Training on combating torture for the Mexican judiciary in partnership with the Office of the United Nations High Commissioner for Human Rights, members of the Subcommittee and key national justice institutions	International Bar Association's Human Rights Institute (non-governmental organization)	2013	46 855.00
16. Mexico	Training workshop on human rights and the prevention of torture with a gender perspective	Government of Oaxaca	2014	35 000.00
17. Paraguay	Systematization of police records	Ministry of the Interior	2012	19 984.00
18. Paraguay	Design of fair-trial indicators allowing for the monitoring of constitutional guarantees of lawful detention and the presumption of innocence	Supreme Court of Justice	2012	20 000.00
19. Paraguay	Support for the work of the national body in charge of the selection of commissioners for the future national preventive mechanism	Ministry of Justice and Labour	2012	19 500.00
20. Paraguay	Contribution to the development of public policies aimed at the prevention of torture and cruel, inhuman or degrading treatment within the purview of the judiciary	Supreme Court of Justice	2013	35 730.00
21. Paraguay	Promoting the fundamental human rights of persons deprived of liberty and citizen engagement against torture in Paraguay	Fundacion "Celestina Pérez de Almada"	2014	34 520.00
Total grants awarded				**600 240.25**